



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,534	09/10/2003	Ivo Finardi	2505-1011	1955

466 7590 03/10/2005

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
----------	--------------

3676

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,534

Applicant(s)

FINARDI, IVO

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the horizontal pivots or axles located between the shutter elements near the hinges at each side of the elements so as to have the small rolling wheels turning on, as claimed in claim 1, and the motor, as claimed in claim 17, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
 - Elements K2' and K2" are not illustrated in the current drawings.
3. The drawings are objected to because:
 - Figure 10, element 80 is not pointing any structure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the phrase "according to the invention" and the phrase "(Figure 1)". Correction is required. See MPEP § 608.01(b).

Claim Objections

6. **Claims 2-17 are objected** to because of the following informalities:

Claims 2-17 fails to present appropriate transitions words, i.e., phrases like "further includes" or "further comprises", so as to clear the claim language in order to give a better interpretation of the claims.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. **Claims 1-17 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation " A latch intended for the closure of a section door" in line 1. It is unclear what the applicant is trying to claim as his invention. The phrase "intended for" renders the claim indefinite because it is not clear if the claim is directed to the combination of the latch with the door or just to the latch. The current claim language recites limitations for the door and the interaction of those limitations with the latch.

If the applicant is trying to claim a latch in combination with a section door or a section door latch assembly, then appropriate correction is required to the preamble so as to positively claim the combination of the latch and the section door and all the limitations with respect to the section door can be considered.

In order to continue with the examination, the claim will be considered as "A section door latch assembly" or "The combination of a latch and a section door". Appropriated correction is required.

As to claims 2-7, 12-15 and 17, it is unclear what the applicant is claiming by the limitation "A set including a latch" since there is no disclosure of a set in the

specification. In order to continue with the examination, the claims will be considered as "The combination according to" or "The assembly according to".

Also, the claim recites limitations, such as a small rolling wheel (Claims 2-7) and a hinge (claim 4) that were claimed and disclosed in claim 1. It is not clear if those limitations are different from the ones claimed in claim 1. The applicant is reminded that the use of reference characters is to be considered as having no effect on the scope of the claims. Therefore, if the intention of the applicant is to differentiate the limitations, then appropriate correction is required.

As to claims 4-7 recites the limitation "said components parts". It is unclear what the applicant refers to by this limitation. Therefore, the limitation will not be considered until proper correction and/or explanation is made.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. **Claims 1,2,4-10,12,13 and 16 are rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 3248498 to Rollwande et al (Rollwande) in view of US Pat No 3,163,033 to Boyles.

Regarding claims 1 and 16, Rollwande discloses the combination of a latch with a section door for closing the section door at a desire location.

The section door includes a number of horizontally elongated elements (1 and 2); hinges mutually connecting the elements, and side guide bars (7) for sliding engagement of the section door with one of the side guide bars having an opening.

The side guide bar (7) has a vertical branch, an upper horizontal branch, and a curved connection branch (G3) joining together the vertical and horizontal branches.

The latch (5) is located sideways, displaceable between an inactive position and an active position, and intended for engaging, in its active position, in the opening (Figure 1) provided in one of the side guide bars (7).

The latch (5) is located coaxially with one of the small wheels (6) intended to slide within the side guide bars (7) of the section door.

However, Rollwande fails to disclose that the section door includes more than one roller that turn about horizontal pivots or axles located between the shutter elements near the hinges at each side of the elements. Rollwande discloses the use of one roller (6).

Boyles teaches that it is well known in the art to have more than one roller (3) that turns about horizontal pivots or axles.

It would have been obvious to one having ordinary skill in the art to have more than one roller, as taught by Boyles, into a device as described by Rollwande, in order to facilitate the movement of the section door.

As to claim 2, Rollwande discloses that the combination includes a hollow pivot or axle (9) that includes a bore. The small rolling wheel (6) is mounted on the hollow

pivot or axle (Figure 3) and coaxial to the latch (5). The latch (5) is guided to slide within the bore of the hollow pivot or axle (9).

As to claim 4, Rollwande discloses that the small rolling wheel (6) is coaxial to the latch member (5) and that the combination further includes a support member (3 and 4) intended to be fix to two adjacent elements (1 and 2) of the section door.

As to claim 5, Rollwande discloses that the support member (3 and 4) has a partially cylindrical seat (where the latch 5 is placed) and position adjusting means (the lugs that connects 3 to 4) interposed between the support member and the cylindrical seat.

As to claim 6, Rollwande illustrates that the support member (3 and 4) includes a bracket (Figure 1).

As to claim 7, Rollwande illustrates that the support member (3 and 4) has substantially the shape of a plate (Figure 1).

As to claim 8, Rollwande discloses that the latch (5) includes means (11) for the manual operation thereof.

As to claims 9 and 12, Rollwande fails to disclose that the latch has a connection member that is connected to a handle lock for the actuation of the latch. Rollwande discloses that the latch is actuating by a handle (11) connected to the latch by means of the pin 10).

Boyles teaches that it is well known in the art to have a latch (19 and 21) that has a connection member (18 and 23) that connects the latch to a handle lock (9) for the actuation of the latch.

Art Unit: 3676

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the latch connected to a handle lock, as taught by Boyles, into a device as described by Rollwande, in order to lock the section door.

As to claim 10, Rollwande, as modified by Boyles, discloses that the connection member (18 and 23) extends in a direction perpendicular (at any convenient point of reference) to the latch (9) in order to allow a displacement of the axes between the latch and a member of the lock operating the latch.

As to claim 13, Rollwande, as modified by Boyles, discloses that the use of an operating member (25 or 26) directly connected to the connection member (18 and 23).

11. **Claim 3 is rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 3248498 to Rollwande et al (Rollwande) in view of US Pat No 3,163,033 to Boyles as applied to claim 1 above, and further in view of US Pat No 4,080,757 to Westerman.

Rollwande, as modified by Boyles, discloses that the combination further includes a support member (the part were 13 and 14 are placed) having for mounting it, possibly in an adjustable position, on an element of the section door or one of its hinges, and including a partially cylindrical seat (where the latch 5 is placed). However, Rollwande, as modified by Boyles, fails to disclose that the combination further includes a hollow pivot or axle, placed in the cylindrical seat, so as to guide the latch.

Westerman teaches that it is well known in the art to have a hollow pivot or axle (11) that serves like a guide member for a latch (13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a latch guided by a hollow pivot or axle, as taught by Westerman, into a device as described by Rollwande, as modified by Boyles, in order to guide the latch between the latch and unlatch positions.

12. **Claims 11 and 14 are rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 3248498 to Rollwande et al (Rollwande) in view of US Pat No 3,163,033 to Boyles as applied to claim 1 above, and further in view of US Pat No 2,048,377 to Robinson.

Regarding claim 11, Rollwande, as modified by Boyles, fails to disclose the use of a spring in order to bias the latch into the latch position.

Robinson teaches that it is well known in the art to have a spring (27) to bias a latch member (20).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to a spring, as taught by Robinson, into a device as described by Rollwande, as modified by Boyles, in order to bias the latch into the latch position.

As to claim 14, Rollwande, as modified by Boyles, fails to disclose the use of a "two-beam lever" to connect the connection member to the handle lock.

Art Unit: 3676

Robinson teaches that it is well known in the art to have a latch (20) connected to a connection member (22) that is connected to a beam lever (24) so as to connect the handle lock (40) to the connection member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a "beam lever", as taught by Robinson, into a device as described by Rollwande, as modified by Boyles, in order to connect and transfer movement from the handle lock to the latch member.

13. **Claim 15 is rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 3248498 to Rollwande et al (Rollwande) in view of US Pat No 3,163,033 to Boyles as applied to claim 1 above, and further in view of US Pat No 2,039,296 to Collins.

Rollwande, as modified by Boyles, fails to disclose the use of a flexible cable to connect the connection member to the handle lock.

Collins teaches that it is well known in the art to have a latch (40) connected to a connection member (at the end of the latch that connects to the cable 44) that is connected to a flexible cable (44) so as to connect the handle lock (43) to the connection member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a flexible cable, as taught by Collins, into a device as described by Rollwande, as modified by Boyles, in order to connect and transfer movement from the handle lock to the latch member.

14. **Claim 17 is rejected** under 35 U.S.C. 103(a) as being unpatentable over DE 3248498 to Rollwande et al (Rollwande) in view of US Pat No 3,163,033 to Boyles

Art Unit: 3676

and in view of US Pat No 2,048,377 to Robinson as applied to claims 1 and 14 above, and further in view of US Pat No 1,880,850 to Dautrick.

Rollwande, as modified by Boyles and Robinson, discloses that the latch is connected to a connection member that is connected to a beam and that the beam is connected to a rod (32 in Robinson) so as to translate motion from the handle bolt to the latch by moving, in only one direction, the rod.

However, the combination fails to disclose the use of a motor to actuate the latch.

Dautrick teaches that it is well known in the art to have a motor (23) to move a latch member (15 and 16)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a motor mechanism, as taught by Dautrick, into a device as described by Rollwande, as modified by Boyles and Robinson, in order to remotely move the latch member.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747 or 571-272-7058 (after March 31, 2005). The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3676

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.C.

Carlos Lugo
AU 3676

February 28, 2005.

A handwritten signature in black ink, reading "Daniel P. Stodola". The signature is fluid and cursive, with a large initial "D" and a stylized "S" at the end.

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600